



05-08-2002

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re: Application of Xscape Properties, Limited)
Mark: XSCAPE & design)
Serial No.: 76/114,694)
Filed: August 22, 2000)
-----)

Trademark Law Office 113
Examining Attorney:
Kelly A. Choe

NOTICE OF APPEAL

BOX TTAB - FEE

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

To the Trademark Trial and Appeal Board:

Applicant hereby appeals to the Trademark Trial and Appeal Board from each and every part of the decision of the Examining Attorney dated November 9, 2001 finally refusing registration of the above-identified trademark.

The appeal fee of \$100.00 required in Rule 2.6(a)(18) is enclosed.

Respectfully submitted,

KANE KESSLER P.C.

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By:

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CERTIFICATE OF FILING BY EXPRESS MAIL

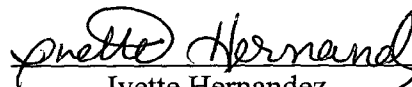
Mark: XSCAPE & Design

Serial No.: 76/114,694

Applicant's Attorney: Adam M. Cohen, Esq.
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The undersigned hereby certifies that, pursuant to 37 CFR § 1.10, she is
depositing this Notice of Appeal with sufficient postage, as Express Mail
(No. EL673543809US), with the United States Postal Service, on this 7th day of May, 2002
addressed to:

Kelly A. Choe
Law Office 113
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513


Ivette Hernandez

05-08-2002

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TRADEMARK TRIAL AND
APPEAL BOARD
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May 7, 2002

BY EXPRESS MAIL: NO. EL673543809US

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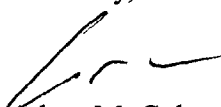
Re: Notice of Appeal

Dear Sir or Madam:

I enclose herewith a Notice of Appeal together with a check for the filing fee in the sum of \$100.00.¹ In addition, please stamp and return to us the enclosed self-addressed postcard, confirming your receipt.

If the Office has any questions, or if we may be of any assistance, please do not hesitate to telephone the undersigned.

Sincerely,


Adam M. Cohen

AMC/ih
Enclosures

¹If at any time a fee is required but inadvertently is not submitted (or is submitted, but is inadequate) in connection with this application, or any registration or other application resulting therefrom, and such omission or insufficiency necessarily would result in the immediate abandonment/cancellation of all or a portion of any such application/registration, without at least a 30-day period to cure said omission/deficiency, then, and in such case only, please telephone us to confirm that the PTO should debit our deposit account, number 50-0908, in order to cover the minimum fee that would be required in order to avoid any such total or partial abandonment/cancellation. Otherwise, please notify us as to any omitted or deficient fee in the normal course. The foregoing procedure is in accordance with our discussions with Cheryl Black, Esq. of the Assistant Commissioner's Office, and Ms. Polly Kemp in the PTO Deposit Accounts office.